

# COUNTY OF YORK

## MEMORANDUM

**DATE:** July 22, 2002 (BOS Mtg. 8/6/02)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. UP-599-02, Konstantin and Marina Fotiadis

### ISSUE

This application requests a Special Use Permit to authorize an automobile service and sales establishment on a 2.67-acre parcel of land located at 110 Oaktree Road between East Rochambeau Drive (Route F-137) and Oaktree Road. (Route 786) across from the intersection of Oaktree Road and Red Dirt Road (Route 1420). The property is further identified as Assessor's Parcel No. 2-59A.

### DESCRIPTION

- ? Property Owner: Williamsburg Pottery Factory (applicant is contract purchaser)
- ? Location: 110 Oaktree Road
- ? Area: 2.67 acres
- ? Frontage: Approximately 851 feet on East Rochambeau Drive (Route F-137) and 560 feet on Oaktree Road (Route 786)
- ? Utilities: No public water or sewer
- ? Topography: Generally flat
- ? 2015 Land Use Map Designation: Low-Density Residential
- ? Zoning Classification: GB – General Business
- ? Existing Development: None
- ? Surrounding Development:
  - North: Vacant parcel; Pierce's Pit Barbecue beyond
  - East: East Rochambeau Drive and Interstate 64
  - South: None
  - West: Single-family detached homes
- ? Proposed Development: 8,750-square foot automobile service and sales establishment

### CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located in the relatively narrow strip of land between East Rochambeau Drive and Oaktree Road across from the intersection of Oaktree Road and Red Dirt Road (Route 1420). Although this area is designated for Low-Density Residential development in the Comprehensive Plan, the property is zoned GB (General Business). In 1997 the Board of Supervisors approved a Special Use Permit – with recommendations of approval from both the Commission and staff – for a contractor’s shop with outdoor storage on a similarly situated parcel approximately one half mile to the northwest.<sup>1</sup> At that time, staff recognized a conflict between the Comprehensive Plan land use designation and the zoning for this area but noted the unlikelihood that the property along East Rochambeau Drive would be developed for residential use because of its proximity to Interstate 64 and the presence of several well-established small businesses nearby, at least one of which (Pierce’s Pitt Bar-B-Que) generated significant amounts of traffic. With the completion of that development, as well as the construction or planned construction of major trip generators on East Rochambeau Drive such as Lowe’s and Wal-Mart, this is even more likely today.
2. This area of the County is sparsely developed. Nearby development is a mix of residential and commercial, with Oaktree Road serving as the dividing line between GB zoning to the east and RR (Rural Residential) zoning to the west. Two single-family detached homes are located to the west of the subject parcel.
3. Because the subject parcel is a through lot with frontage on both East Rochambeau Drive and Oaktree Road, the applicant’s conceptual plan indicates 45-foot front building setbacks along both roadways. Pursuant to Section 24.1-221 of the Zoning Ordinance, the East Rochambeau Drive frontage is actually considered to be the *front* yard (with a 45-foot requirement), while the Oaktree Road frontage is considered to be the *rear* with a thirty-foot (30’) minimum. However, I feel that the 45-foot setback along Oaktree Road, as shown on the concept plan, is preferable in order to provide a greater buffer between the proposed development and nearby residential development, and I recommend that it be made a condition of the use permit. A 20-foot transitional buffer is also required along Oaktree Road. The site is heavily wooded, so the landscaping requirements can be met by preserving existing vegetation rather than planting new trees.
4. The proposed auto service center is not likely to have any significant traffic impacts. According to the Institute of Transportation Engineers (ITE) Trip Generation manual (6<sup>th</sup> edition), the development can be expected to generate approximately 26 vehicle trips per day in the AM peak hour and 30 vehicle trips in the PM peak hour. The development would be served by a single entrance on East Rochambeau Drive, so there would be no additional traffic on Oaktree Road which is a narrow road serving only residential development. The developer is dedicating to the Virginia Department of Transportation (VDOT) a 10-foot wide strip of right-of-way along Oaktree Road for future road improvement. In addition, pursuant to Section 24.1-256(d) of the Zoning Ordinance, a shoulder bike lane will be required along East Rochambeau Drive.

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<sup>1</sup> Application No. UP-519-97 (A. Wayne Brady), approved by the Board of Supervisors on July 16, 1997 (Resolution No. R97-154).

5. The Zoning Ordinance performance standards for motor vehicle-related uses require that garage bay doors be screened from direct view from public streets by a combination of landscaping and earthforms. The conceptual plan for this development does indicate a single bay door parallel to East Rochambeau Drive approximately 75 feet from the road; however, there would be no direct views of actual automobile service areas, even when the bay doors are open. The building would be laid out such that cars are driven through the bay door to an internal service bay where the actual work is performed. As a result, the external noise and visual impacts customarily associated with garage bays would not occur in this case. The site is heavily wooded, and the 20-foot front landscape yard will buffer views of the development from East Rochambeau Drive.
6. In a letter dated June 17, 2002 (a copy of which is attached), the City of Williamsburg has expressed opposition to this application based on concerns about the possibility of “automotive products and fluids normally associated with a repair shop” being located in proximity to the Waller Mill Reservoir. The subject parcel is on the ridge of the drainage area, and as part of site plan review and developer’s engineer will need to verify whether it drains under Interstate 64 or towards the Waller Mill Reservoir and the watershed property surrounding it. If it drains toward the watershed, the development will be subject to the Watershed Management and Protection Area (WMP) Overlay District provisions set forth in Section 24.1-376 of the Zoning Ordinance. Accordingly, the developer would be required to submit an impact study addressing measures for controlling stormwater runoff and protecting the Waller Mill Reservoir. Although storage of oil and oil products is not permitted in some areas of the WMP district, this prohibition applies only to areas within 700 feet of a tributary stream or reservoir, which does not appear to include any of the subject parcel. Regardless, the applicant will be required to submit a hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources. This performance standard, contained in Section 24.1-475(g) of the Zoning Ordinance, applies to all motor vehicle and transportation-related uses. For these reasons, I feel that the Zoning Ordinance contains adequate safeguards to ensure the protection of the reservoir if this application is approved.
7. This area of the County is not served by public water or sewer, and no public utility extension is planned within at least the next eight years. Ranked fifth in the 1999 Utilities Strategic Capital Plan for water extension, this area was dropped to number 17 in the current (2001) plan because there were not enough affected property owners who were willing to participate. The subject property has two well sites to serve the development’s needs, water but the lack of public water means that fire suppression capability will be significantly diminished.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its regular meeting on June 10 and, subsequent to conducting a public hearing at which nobody spoke, voted 7:0 to recommend approval.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

This property is close enough to Lowe's, and the future Wal-Mart, Williamsburg Motors, and Williamsburg Community Hospital sites, and other new development in the Lightfoot/Mooretown Road area to be affected positively by the increased traffic but not close enough to be considered prime commercial property. Lacking visibility and direct access, this site is an appropriate location for a specialty business such as this, which specializes in European cars and which will be a "destination" for its clients. The proposed auto service and sales center is also appropriate in scale for this area of the County. With no entrance on Oaktree Road, all of the activity associated with the business would be oriented toward East Rochambeau Drive and away from the residential area to the rear. The 45-foot rear building setback and 20-foot rear landscape yard would provide a greater buffer between the business and nearby homes than would otherwise be required. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R02-143.

Carter/3337

Attachments

- ? Excerpts of Planning Commission minutes, June 10, 2002
- ? Zoning Map
- ? Vicinity Map
- ? Conceptual Plan
- ? Letter from Dan Clayton to Tim Cross dated June 17, 2002
- ? Proposed Resolution No. R02-143